

**CALENDAR ITEM
C20**

A 5
S 1

04/23/15
PRC 5623.1
S. Kreutzburg

**ACCEPTANCE OF A QUITCLAIM DEED AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Kristina Lessing Homer, as Trustee of the Michael James Homer QTIP Trust
No. 2 UTD, dated December 6, 1999, as amended

APPLICANT:

John O. Ryan and Pauline E. Ryan, Trustees of The John and Pauline Ryan
Trust Dated January 22, 1992

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 8833 Rubicon Drive, near
Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse with boat lift, and
two mooring buoys.

LEASE TERM:

10 years, beginning June 4, 2014.

CONSIDERATION:

\$1,691 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per
occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If

CALENDAR ITEM NO. **C20** (CONT'D)

Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On September 20, 2013, the Commission authorized a 10-year General Lease-Recreational Use to Kristina Lessing Homer, as Trustee of the Michael James Homer QTIP Trust No. 2 UTD, dated December 6, 1999, as amended. On June 4, 2014, ownership of the upland property was deeded to John O. Ryan and Pauline E. Ryan, Trustees of The John and Pauline Ryan Trust Dated January 22, 1992. The Applicant is now applying for a General Lease – Recreational Use.
3. The Lessee executed a quitclaim deed releasing her interest in the Lease to the State. Staff recommends acceptance of the quitclaim deed and issuance of a new lease.
4. **Acceptance of a Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).
5. **New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and

CALENDAR ITEM NO. **C20** (CONT'D)

through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of a Quitclaim Deed: Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize acceptance of a quitclaim deed for Lease No. PRC 5623.1, a General Lease - Recreational Use, issued to Kristina Lessing Homer, as Trustee of the Michael James Homer QTIP Trust No. 2 UTD, dated December 6, 1999, as amended, effective June 3, 2014.
2. Authorize issuance of a General Lease – Recreational Use to John O. Ryan and Pauline E. Ryan, Trustees of The John and Pauline Ryan Trust Dated January 22, 1992, beginning June 4, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier, boathouse with boat lift, and two mooring buoys as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,691, with an annual Consumer Price index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5623.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 33, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880 , County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, boathouse, one (1) boat lift and two (2) catwalks adjacent to those Parcels as described in Exhibit A of that Grant Deed recorded May 15, 2013 as Document Number 2013-0024606 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2 & 3 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared November 4, 2014 by the California State Lands Commission Boundary Unit.



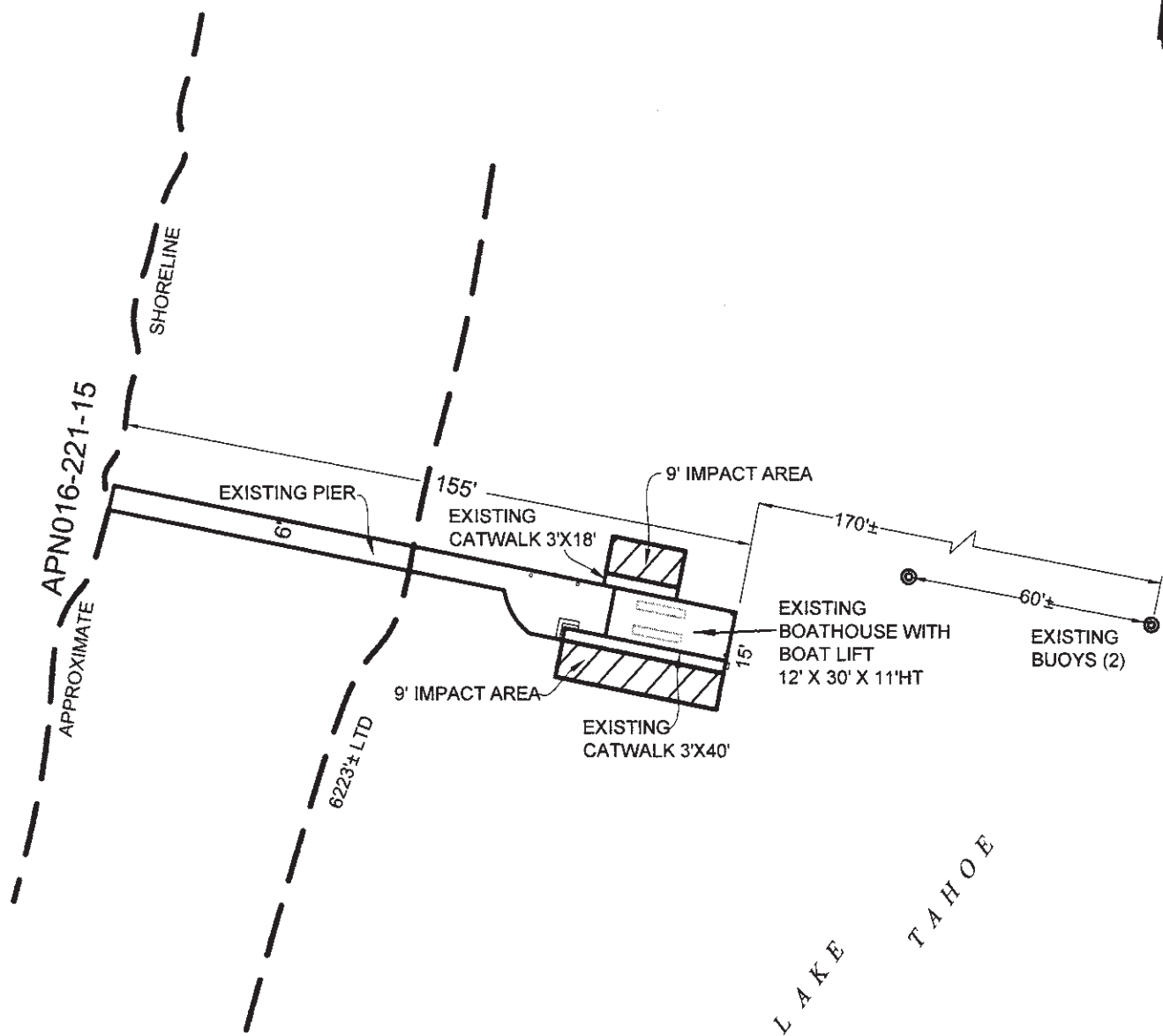


EXHIBIT A

Page 2 of 2

MJJ 11/04/2014

LAND DESCRIPTION PLAT
PRC 5623.1, RYAN TRUST
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



